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Chi-Jung Wang
7F., No. 213
Civic Boulevard, Sec. 4
Taipei,
105
Taiwan

MAILED
FROM DIRECTOR'S OFFICE

JUL 26 2005

TECHNOLOGY CENTER 3600

In re Application of
Chi-Jung Wang
Application No. 10/700,115
Filed: October 31, 2003
For: ANTI-THEFT COMBINATION LOCK
FOR CAR

DECISION ON PETITION
TO WITHDRAW THE
HOLDING OF
ABANDONMENT

This is in response to applicant's renewed petition to withdraw the holding of abandonment filed in the United States Patent and Trademark Office (USPTO) on May 9, 2005.

The petition is DISMISSED.

A review of the file records reveals that the application was held abandoned for failure to timely file a reply to the non-final Office action mailed April 1, 2004. A Notice to that affect was mailed October 14, 2004.

There is a strong presumption that mail properly addressed and delivered to the United States Postal Service was in fact delivered to the addressee. An allegation that an Office communication was not received may be considered in a formal petition for the withdrawal of the holding of abandonment, in accordance with *Delgar Inc. v. Schuyler*, 172 USPQ 513. However, the presumption that the Office communication was delivered to applicant may be overcome by a showing that the communication was not, in fact, received. The dismissal of applicant's previous petition mistakenly included the requirements for statements showing non-receipt of papers when an attorney is representing the applicant. The Office apologizes for this error, and the requirements for pro se applicants are stated below.

For a pro se applicant 1156 O.G. 53 does not apply, therefore statements of non-receipt should include a statement by the applicant, and by anyone else at

applicant's correspondence address who would have handled the Office communication, and include any available documentary evidence of mail received, covering a reasonable period after the date of the Office communication, to show non-receipt of the communication in question. Copies of records on which the receipt date of the Office communication would have been entered had it been received, (e.g., a copy of the outside of the file maintained by applicant), are required if available. Also, a showing of any docket records or other method which would serve as a reminder of a response due date should be submitted. Whatever method applicant uses as a reminder, and submits in response to this decision should be adequately explained. Also, a statement is required that a search of the file maintained by applicant, or any other location where correspondence from the USPTO is kept, failed to find a copy of the Office communication in question. Finally, applicant must state that he was in fact at the correspondence address of record or that the correspondence address was a functioning one at the time the Office action would have been received.

Any such exhibits should be submitted as part of statement(s) showing that no Office communication was ever received.

Applicant's petition of May 9, 2005 does not include any statement by the applicant that the office action was not received, nor any statement that the applicant was at the correspondence address at the time the office action would have been received. Also, no showing has been made of any docket records or any other method that serves as a reminder of a response due date.

Applicant states that the office communication mailed October 14, 2004 was not received, however this communication was the Notice of Abandonment.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181" and should be mailed to the Commissioner for Patents, P.O. Box 1450, Technology Center 3600, Alexandria, VA 22313-1450.



Steven N. Meyers
Special Programs Examiner
Patent Technology Center 3600
(571) 272-6611

SNM/jjs: 7/21/05